

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In Re:	)	
Mary Belford Smith,	)	Case No.08-48253-659
	)	Chapter 13
Debtor.	)	
	)	
GRP Financial Services Corp.	)	<b>MOTION TO VACATE ORDER</b>
	)	<b>LIFTING STAY</b>
for Kondaur Capital Corp.,	)	
	)	
Movant,	)	Hearing Date: March 8, 2010
	)	Hearing Time: 10:00 am
vs.	)	Location: Courtroom 7 North
	)	
Mary Belford Smith, and	)	
	)	
John V. LaBarge, Jr., Trustee.	)	

**MOTION TO VACATE ORDER LIFTING STAY COMBINED WITH NOTICE**

**PLEASE TAKE NOTICE** that upon the Motion to Vacate Order Lifting Stay, the undersigned will appear before the Honorable Judge Kathy Surratt-States, 111 S. 10<sup>th</sup> St., Courtroom 5 North, St. Louis, Missouri 63103 on March 8, 2010, at 10:00 in the forenoon of that day, or as soon thereafter as Counsel may be heard.

COMES NOW Debtor, by and through Counsel, and for her Motion to Vacate the Order Lifting Stay states to the Court as follows:

1. GRP Financial Services Corp. was granted Relief from Stay on November 20, 2009.
2. Debtor filed this case on October 20, 2008.
3. Since that date, Debtor's mortgage, which was originally serviced by Select Portfolio Servicing, was sold or transferred twice.
4. Some time in January 2010, Kondaur Capital Corp., 1100 Town & Country Road, Suite 1600, Orange, CA 92868, acquired the note on Debtor's home.
5. Per the letter dated January 27, 2010, from Kondaur Capital Corp., the principal and interest arrearage on Debtor's home is 9 payments at \$225.68, i.e., \$2,031.12, and late fees of \$90.38, for a total of \$2,121.50.

6. Despite requests to do so, Kondaur Capital Corp., has refused or been unable to provide a statement of account regarding Debtor's mortgage loan.
7. Debtor has \$2,121.50 to bring her post-petition mortgage account current.
8. Debtor will therefore have become substantially current with her post-petition mortgage payments.
9. The property in question is Debtor's home, and is therefore necessary for effective reorganization.

WHEREFORE, Debtors pray that the Order granting relief from the automatic stay be vacated, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ David T. Lumerman

David T. Lumerman  
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MO Bar #24602, EDMO #30773

#### SUMMARY OF EXHIBITS

- 1) Letter from Kondaur Capital Corp. dated January 27, 2010

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Motion to Vacate Order Lifting Stay Combined with Notice was served on the following parties of interest and all creditors per Matrix, either electronically via the Court's ECF system, or via regular US Mail, on this February 10, 2010:

John V. LaBarge, Jr.  
Chapter 13 Trustee  
PO Box 430908  
St. Louis, MO 63143

Office of the US Trustee  
111 S. 10<sup>th</sup> Street, Room 6.535  
St. Louis, MO 63102

Amy Tucker Ryan  
Martin Leigh Laws 7 Fritzlen, PC  
1044 Main Street, Suite 900  
Kansas City, MO 64105

Kondaur Capital Corp.  
Attn: John Jackson  
1100 Town & Country Road  
Suite 1600  
Orange, CA 92868

Mary Belford Smith  
9532 Stansberry Avenue  
St. Louis, MO 63134